

Notice of Allowability	Application No.	Applicant(s)	
	09/424,210	TSCHUDI, JON	
	Examiner	Art Unit	
	Colin M. LaRose	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 21 June 2006.
2. ☒ The allowed claim(s) is/are 15,16,18,19 and 21-28, renumbered 1-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Applicant has filed the requisite Terminal Disclaimer. Therefore, the previous double patenting rejections have been withdrawn.

Objected dependent claims 17 and 20 have been incorporated into independent claims 15 and 18, respectively, and are allowed therefor.

Regarding claim 15, Tuli is silent to the claimed arrangement of the measuring points. Tuli discloses an embodiment that utilizes more than one line, however the measuring points in those lines are equidistant in the horizontal direction and equidistant in the vertical direction (see e.g. figure 8).

Regarding claim 18, Salatino does not disclose moving the finger relative to the sensor array, and therefore does not disclose generating a plurality of images by moving the finger across a sensor array or determining the speed of any movement of the finger.

Claim 21 is allowed for the same reasons as claim 6 of application serial no. 10/848,363 (now U.S. Patent 7,054,471) was allowed. [Claims 22 and 23 depend from claim 21.]

Claim 24 is allowed for the same reasons as claim 10 of the '363 application was allowed.

Claim 25 is allowed for the same reasons as claim 14 of the '363 application was allowed. [Claims 26-28 depend from claim 25.]

The reasons for allowance for claims 21, 24, and 25 are as follows:

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Tuli discloses neglecting selected images, as claimed (see column 6, lines 11-21). Tuli appears to also ascertain the speed of the finger and utilize the speed to determine which images to neglect. However, Tuli does not ascertain the speed by examining structural features of the fingerprint; rather, Tuli utilizes a pre-printed pattern on the glass platen, as shown in figure 4, to help ascertain the speed. Therefore, Tuli's determination of the speed of the finger does not involve the structural features of the fingerprint, as claimed.

[See also paragraphs 9-11 of Office action mailed 10/26/2005 for application serial no. 10/848,363.]

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (571) 272-7423. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu, can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. Any inquiry of a general nature or relating to the status of this application or proceeding can also be directed to the TC 2600 Customer Service Office whose telephone number is (571) 272-2600.

Colin M. LaRose
Group Art Unit 2624
23 July 2006



VIKKRAM BALI
PRIMARY EXAMINER